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FACTS AND FIGURES

FOR

INVENTORS AND INVESTORS,

RELATING TO

PATENTS.

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SOLICITOR AND ATTORNEY IN PATENT CAUSES,
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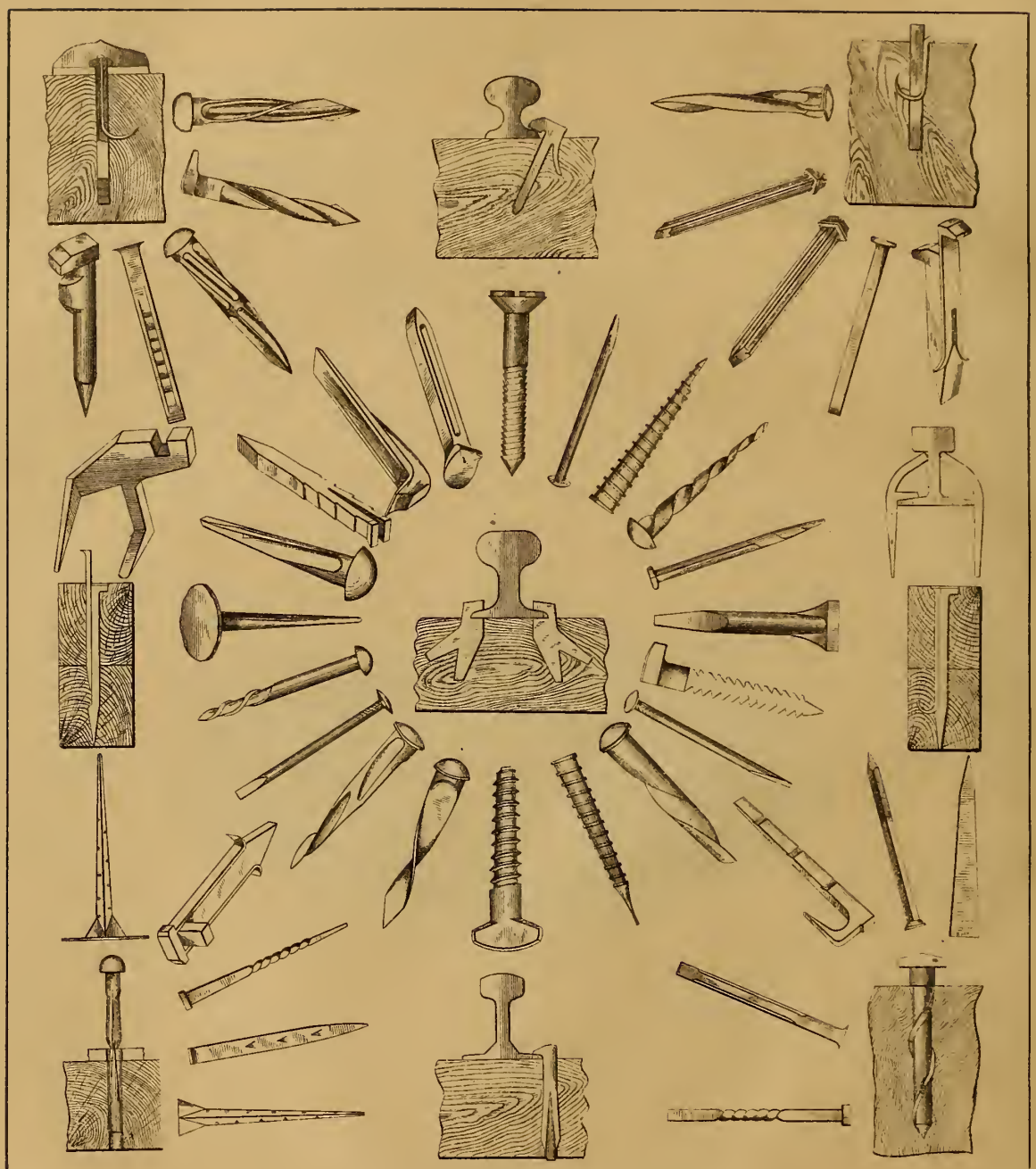

TYPES OF NAILS AND SPIKES.

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FACTS
FOR INVENTORS, AND INVESTORS
IN PATENTS.

FREDERICK BENJAMIN,
Attorney and Solicitor in Patent Causes,
WASHINGTON, D. C.

INVENTIVE GENIUS INEXHAUSTIBLE.

The remark is often made that at the present rate of inventions it would be difficult in a few years to devise anything new. For the benefit of those who are inclined to believe such statements, and as an encouragement to inventors, I present on the opposite page the drawings in a group of patents on nails and spikes. It is difficult to conceive of a simpler device than a nail, and yet we here show over fifty different forms of patented nails, and more than two hundred and twenty-five patents have been issued for improvements in nails and spikes alone. About $30,000,000.00 are invested in the manufacture of these little indispensable articles. If it be possible to accomplish so much with a simple nail, who will undertake to fix the limit of inventive genius when applied to the thousands of devices, implements, machines and processes in constant use in the industrial arts?

PRACTICAL AND PROFITABLE INVENTIONS.

If your invention be useful and practical it is likely to prove profitable. You may not get a fortune and the returns may not be immediate, but with persistence back of your ability to invent, you are almost certain to secure a fair reward for your thought and skill. In many New England towns are found men, and women too, who are in receipt of comfortable incomes in the form of royalties on the fruits of "yankee ingenuity." By and through inventions is a road to wealth which is barred to none who have the brains to invent, the money to secure a patent and persistence to push it.

FOUNDATION OF SUCCESS.

There are four corner stones upon which success from patents mainly rests. They are: 1st. The invention must be new and useful. 2d. The patent should be strong as to every part of the invention. 3rd. The patented invention must be presented with persistence and ability. 4th. The title in the patent right must be good.

It is the province of the inventor to supply the first, and usually the third of these conditions, while his attorney's business is to look after the second and fourth.

By useful invention, I mean one that will save time, or labor or money or all three of these, or one that will increase comfort, decrease suffering, add to human knowledge or increase human happiness.

Too many patents are obtained simply because it is possible to get them, and not because there is any demand for the patented invention. These patentees disclaim against all patents because theirs' have proven profitless. This is as reasonable as to claim that C and D should not invest in real estate because A and B have bought some worthless lands.

Weak and worthless patents are too numerous. They are the products of inexperienced, careless or cheap patent solicitors. There is no infallible guide for selecting an attorney either for the prosecution of a law case or for obtaining a patent. The shyster can produce endorsements and references with the same facility as the capable practitioner. Imposing exterior, fine words and handsomely equipped offices are many times the cloak under which hides inexperience, ignorance or deceit. This was especially notable in the case of a former patent agent in Washington. He possessed all of these qualifications and did a very large business, but he knew nothing about the preparation or prosecution of a patent case and the Commissioner of Patents disbarred him for grossly deceiving and defrauding his clients. It is safe not to employ the solicitor who advertises that he possesses "special facilities" for getting patents; or one who offers greater inducements than are offerred by other attorneys; or one who offers to do something for nothing.

WILL IT PAY?

Many inventors ask me to advise them as to whether it will pay to obtain a patent. If their inventions are, in my judgment of an unprofitable character I frankly so advise them. But it may be difficult to decide such questions in advance. Many inventions which have at first appeared to be trivial and unimportant have turned out to be of utility and profitable.

Before applying for a patent if you want an investigation made to determine the probable demand for your invention, when patented, I will make such investigation by communicating with manufacturers and dealers interested in such articles or machines. My charge for this service is five dollars.

If you want an opinion *without investigation*, as to the probable demand for your invention, I will furnish same without charge.

THE PRELIMINARY EXAMINATION.

If you have made an invention and contemplate applying for a patent, the first point is to learn whether your idea is new and patentable. Do not depend on the fact that you or your friends have never seen anything of the kind. Send me a pencil drawing showing plainly your invention, and write out a description of its construction and operation, as well as you can. If you have a model, send it, instead of the drawing. I will compare your sketch or model with all patents issued in the United States for inventions resembling yours, and for inventions in which similar mechanical constructions or principles are used. If a patent is found for an invention exactly like or closely resembling your idea, I will send you copy of such patent. If nothing is discovered to prevent getting a patent for your invention I will so advise you.

The charge for this service, unless otherwise agreed upon by special arrangement, is five dollars. This examination is an important step in connection with every patent application and requires great care and skill. An incompetent attorney may overlook a patent which closely resembles or completely anticipates your invention, or he may not know where to look. A dishonest attorney will purposely fail to find an anticipating patent in order that he may get the fee for preparing the application. The inventor is the loser in either case. Of course the attorney may accidently overlook the anticipating patents, but if he does, he should repay to his client the fee charged.

If you want *an opinion, without examination* as to the novelty or patentability of your invention, I will furnish same without charge on receipt of the drawing or model of your invention.

THE APPLICATION FOR PATENT.

Unless your application properly describes and claims your invention, a patent may be refused, or if granted, may turn out to be worthless. For this reason the Commissioner of Patents advises inventors to employ COMPETENT ATTORNEYS. Such attorneys do not resort to quack schemes or shyster methods to obtain business. The incompetent and unreliable attorney can usually be distinguished by the "*special inducements*" which he offers to prospective clients. See "Schemes."

When you have decided to apply for a patent, send me twenty dollars, and I will prepare and send to you, the petition, oath, specifications and drawing in the forms required by the Patent Office. After executing the papers, return them to me with twenty-five dollars, and I will file your application and prosecute it in the Patent Office. This is the charge where the invention is of a simple form. If it is intricate the charges will be higher, but will be made known before the case is undertaken, so there may be no misunderstanding.

SUMMARY OF CHARGES.

Opinion as to novelty and patentability of an invention, *without examination* of patents	Free
Opinion as to novelty and patentability of an invention, *after thorough examination* of United States patents	$5.00
Preparing official drawing—1 sheet	5.00
Each additional sheet	3.50
Preparing Oath, Petition, Specification and Claims	15.00
First Government fee	15.00
Prosecuting application for Patent	10.00
Total cost of application, including examination as to novelty, first Government fee, official drawing, preparing all papers, and prosecuting application in Patent Office	50.00
Within six months after application has been allowed, the Government charges a final fee of	20.00
Thus the total cost of a patent for a simple invention is	$70.00
Opinion as to probable demand for an invention, *without investigation*	Free
Opinion as to probable demand for an invention, *after investigation*	$5.00

NOTE.

If I undertake to obtain a patent for you, and fail through any mistake, fault or negligence on my part, I will refund all the money paid for my services.

I do not undertake to sell patents, but will assist my clients in disposing of their patent rights whenever I can do so.

Rejected applications will be prosecuted, if after examination, I believe a patent is obtainable. For examining a rejected case, my fee is five dollars unless otherwise agreed upon.

If you wish references as to my reliability and ability, I will furnish them.

Correspondence on any subject relating to patents or patent law, is invited.

FREDERICK BENJAMIN,

Solicitor of Patents,

Washington, D. C.

Room 1,
Warder Building.

SCHEMES.

Patent solicitors and lawyers who make a specialty of patent law, as a rule are men of exceptional intelligence and ability, honest and high toned in their professional relations, but as in other professions, there are some shysters and quacks who prey upon the credulity, ignorance of inexperience of their clients. Some of the schemes resorted to by these imposters are as follows:

They offer to sell the patents of their clients without charge, or for a commission. After getting the business they do not sell the patents.

They offer to make searches as to the novelty of inventions without charge. Their searches are made by boys or cheap men, and as a result, the work is carelessly or imperfectly done and the inventor is informed that his invention is novel only to learn, after paying from $40 to $50, that it is not new nor patentable.

They send out lists of "inventions wanted" from which the inventor is led to believe that there is a special or certain demand for such inventions, when as a matter of fact there is no such demand.

They offer prizes for inventions to be awarded according to the merit of the invention. The prize is awarded by guess work or to the inventor who is likely to have other business.

They represent that they have a purchaser for an invention provided foreign patents are taken out. After they get the fees for the foreign patents, the alleged purchaser disappears.

They offer to obtain patents without charge until the patent is issued, but after getting the inventor to send them his business they charge enough for the drawings to cover the actual cost of preparing the papers where the work is done on the "cheap John" plan. In order to get their fee they will accept a much narrower patent than the inventor is entitled to.

PLAIN WORDS.

No reputable professional man adopts sensational methods for bringing clients to his office. No patent solicitor possesses superior advantages over any other solicitor except suce as accrue from greater ability and longer experience.

An inventor or patentee can usually sell his patent rights quicker and better than can any of the so called "Patent Selling Agencies" most if not all of which are frauds.

If an inventor cannot afford to obtain a patent at his own expense, he should try to interest one or more friends or acquaintances who in consideration of having part ownership in the patent, will furnish the necessary funds. If they have not sufficient confidence in the invention to invest the money necessary to obtain a patent, it is probable that the invention is not worth patenting, though of course there are exceptions.

More good inventions are lost through the delay and carelessness of inventors in protecting their rights, than through any other cause.

When you have your Letters Patent, do not conclude that they are worth a fortune to you or any one else. If you are not in position to manufacture and sell the device you have patented, try to find some reliable person in the business of making and selling such devices and sell him your patent rights, either for one or more States or the whole United States. Sell for what you may consider a low price rather than not sell at all. If you cannot sell for a cash figure sell for a royalty, but be sure that you are dealing with reputable and responsible parties. Do not place your patent in the hands of an agency to sell until you have found out that the agency is reliable. Usually the agency that promises the most is the one it is safe to avoid.

IMPORTANT.

It frequently becomes necessary for patentees to prove when they first conceived their inventions. To facilitate the furnishing of such proof, if you will answer the following questions I will record your answers in my secret files and send you a certificate of the facts as communicated to me and will produce the record when needed. My charge for this service, including the certificate, is $1.00.

What is the nature of your invention?.....

.....

What is its object?.....

When did you first discover, design or conceive the idea?.....

When did you first make a drawing of it?.....

.....

When did you first make a model of it?.....

.....

When did you first try it in a practical way?.....

.....

To whom have you shown your invention?.....

.....

Answer the questions fully and accurately, make a sketch of the invention on a separate paper and describe each part.

Name in full.....

Address.....

Date.....

CAVEATS.

A caveat is a notice to the Patent Office that the inventor has made a certain invention, description and drawing of which he files to show what the invention is. A patent for the same thing will not be granted to anyone else during the life of the caveat, without notice. The Government fee for a caveat is ten dollars, and at the end of each year it may be renewed upon the payment of another fee of ten dollars. While a caveat does not prevent other parties from making and selling the invention, it does prevent them from getting a patent until they have shown that they are the first inventors. It frequently happens that inventors want to exhibit their inventions to capitalists with a view to securing their co-operation before applying for patents. This is always attendant with some risk unless the inventor has taken steps to put his invention on record. The filing of a caveat is the best means next to applying for a patent, by which he can protect his invention. My fee for preparing and filing a caveat is from ten to twenty dollars, depending on the nature of the invention. Another advantage in a caveat is that it affords protection while an inventor is perfecting his invention. This indeed is the primary object of the caveat. I do not advise the filing of a caveat except when the invention is incomplete or the inventor is financially unable to apply for a patent. The average total cost of a caveat for one year where the invention is not complicated, is $25.00.

DESIGNS.

Patents are granted for new designs or shapes for articles of manufacture, such as jewelry, utensils, tools, furniture, patterns, &c. In many instances a design patent may be secured for a device which has no mechanical novelty but which has a new shape or form. Such patents are granted for three-and-a-half years, seven years, or fourteen years, as the inventor may elect, and the Government fees are respectively $10.00; $15.00; and $30.00. My fee is $10.00. A design patent prevents others from making the same article in substantially the same form, and thus affords ample protection.

FOREIGN PATENTS.

There are some kinds of inventions on which it is profitable to obtain patents in the leading foreign countries. Foreign manufacturers and investors keep a close watch on the patents issued in this country and appropriate to their own use anything of value they see. The only way to prevent this is to apply for the foreign patents before the United States patent issues.

The cost of procuring patents in Great Britain, Germany, France, Belgium and Austria, is about the same as a patent in the United States. After a patent is procured however, there is an annual tax to be paid, and in some of the countries, the invention must be actually introduced in order to keep alive the patent rights.

Improvements in things of every day use whereby greater economy is obtained, are the inventions most likely to succeed in foreign countries.

I have correspondents in London, Paris, Berlin and other foreign capitals through whom I transact all business connected with patents in those countries. These correspondents make all translations and look after the cases in the patent offices of their respective governments. They pay the annual taxes and arrange for the introduction or working of the invention as required by their laws.

ASSIGNMENTS.

Any interest in an invention or a patent can be conveyed by assignment, or grant, or mortgage, or license, either before or after the patent is obtained. The conveyance must clearly identify the invention, or application or patent; state the interest conveyed, and should be recorded in the U. S. Patent Office within three months from the date it is delivered to the assignee or person buying the interest.

Much confusion of patent titles and a great deal of loss to inventors and investors in patents, is caused by the laxity with which transfers of patent rights are prepared. Lawyers who are entirely unfamiliar with the branch of law which relates to patents undertake to prepare assignments and grants of patents, with generally disastrous results to their clients' interests. Every agreement or contract relating to patent rights, whether it be an outright transfer or a conditional or limited sale, a partnership matter or the organization of a corporation or stock company, should be prepared or revised by an attorney skilled in the patent law. My charge for preparing, and recording in the Patent Office, a simple assignment or grant, is $5.00.

For preparing partnership agreements or articles of incorporation my charges are based on the amount of work involved.

If you are especially interested in questions involving the titles in patented inventions send for my book on *Patent Titles*.

FREDERICK BENJAMIN,

Solicitor of Patents,

Washington, D. C.

Room 1, Warder Building.

HOW TO MAKE INVENTIONS.

To invent is to think. Inventions are ideas in physical shape or practical application. Anybody who can think, can invent. The power of inventing increases with exercise.

Accidents frequently suggest new ideas, but the complete invention is usually the result of concentrated thought, careful investigation and persistent experiment. The crude idea may come in a flash, and too many inventors in their anxiety to protect this idea apply for a patent before they have worked out the invention to its best development.

An inventor to attain the greatest success must study his invention no matter how simple it is. If he adopts inventing as a profession he must study the subject as the lawyer studies law, the doctor, medicine, or the engineer, engines. He should first study the needs of the public, beginning with the simple ones, then find out the existing difficulties in the art or industry to which the need applies, and then strive to overcome these difficulties.

Pay no attention to lists of so called "inventions wanted." There is always room for improvement in every industry, and there is ever a demand for new industries, so that the field of the inventor is without limit. An inventor should select the industry that he is most familiar with. He should note the work done by hand and try to think of a way to do it automatically or by machine. He should consider the cost of the tool, or machine, or process and try to think of a way to reduce the cost without impairing the quality. He should observe the product of an industry and see if it cannot be increased or improved. He should apply his thoughts to the problems of saving life, or property, or waste, or power, or time, or distance. When he has an idea which he thinks is new, he should put it in form of a working drawing or model, then study it with a view of making it stronger, or simpler, or cheaper, or in some way better. He should not get discouraged if he does not succeed at once or attain perfection. The world's greatest inventions were not developed in a day. In the beginning they were the crude embodiments of great possibilities, and now after many years they are not perfect.

A valuable invention may be made by omitting one or more parts of a machine, or by changing the positions of the parts, or by combining two devices in one, if by such changes a better result is accomplished.

An inventor should not give up because his invention turns out to be old. The fact that some one else has thought of the same thing is a compliment to his inventive powers. If he can invent one thing he can another. In conclusion, give your best thoughts and efforts to your invention, and nine times out of ten you will succeed.

HOW TO PROFIT FROM AN INVENTION.

United States Senator Platt, of Connecticut, in a speech in support of the Patent Laws stated "that two-thirds of the aggregate wealth in the United States is due to patented inventions." This is certainly not an extravagant estimate.

Inventors who have not the means to enable them to make experiments, to obtain patents, to construct machinery and to introduce their inventions to the public, must have the co-operation of persons who can supply the necessary capital. From the statement of Senator Platt above quoted, it is evident that capitalists stand ready to invest in meritorious inventions.

The problem is to join the inventor of a good invention with the right capitalist.

An inventor seeking to interest capitalists should first protect his invention, either by making a sworn statement of when he first made the invention, or by filing a caveat, or by making application for patent. He should never exhibit an imperfect model or drawing of his invention. It should be presented in the best possible shape and under the most favorable conditions. Allow reliable persons to test it but always in the presence of some one interested in the invention. Describe it fully, fairly and clearly.

In placing a valuation on the invention, consider it from a disinterested standpoint. Ask these questions: What is the field for such an invention? Is it so desirable that the public will adopt it in preference to what is already in use? Will the public have to be educated to its use? Will it require an expensive plant to manufacture? Will costly advertising be necessary? Will there be competition? Can it be sold directly to the public or must it be offered through agents? These are the things the capitalist will want to know.

Have the invention "written up" in an interesting way and published in a paper which reaches the class likely to be interested in such inventions.

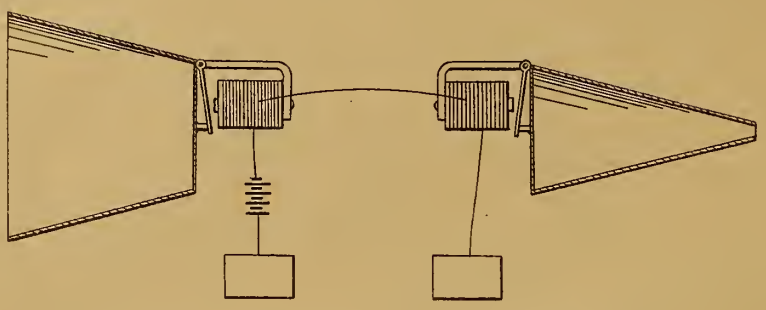
If one man is not able or willing to put up all the money required, get others to join him. It is often easier to get ten men to invest $100.00 each, than it is to get one to man to invest $1,000.00.

As to whether an invention should be sold on the royalty plan, in the form of state rights, or outright, depends on the nature of the invention, and the character of the men dealt with.

Don't run the risk of losing a sale by holding out for a high price. This is the rock on which most inventors founder. The possible buyers for most inventions, are limited. Don't imagine that your invention is the only one being offered for sale. Always remember: "There's a tide in the affairs of men (especially inventors) which taken at the flood, leads on to fortune." The inventor's flood tide is usually when he gets, what a disinterested person would consider, a fair offer for his invention.

Commissioner of Patents, Simonds, in his report dated January 31, 1893, says: "Our inventors are the true nation builders; the true promoters of civilization. They take nothing from the public; they ask nothing from the public; they simply add to the sum of human knowledge, to the sum of human possessions, and to the sum of human happiness. With the Ruler of the Universe they show in humble degree His high prerogative of creation, and they only ask to enjoy for a little time the use of the valuable thing they create. The Greeks reserved their highest honors for inventors, and we shall some time attain to a civilization of like degree. If there be one class of men above all others to whom the American people are in debt, it is the American inventors."

The Bell Telephone.



A simple looking thing, but "there's Millions in it."

The Patent Office received in the fiscal year ending June 30, 1897, 43,524 applications for patents, 2,088 applications for designs, 80 applications for reissues, 2,137 caveats, 1,964 applications for trade-marks, 54 applications for labels, and 37 applications for the registration of prints. There were 23,994 patents granted, including reissues and designs; 1,790 trade-marks and 32 prints registered. The number of patents which expired was 12,584. The number of allowed applications which were by operation of law forfeited for nonpayment of the final fees was 5,034. The total receipts were $1,343,779.44; the receipts over expenditures were $317,135.05, and the total receipts over expenditures to the credit of the Patent Office in the Treasury of the United States amount to $5,093,614.23.

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